

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKUSDC SDNY  
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MARK IANTOSCA

Plaintiff,  
-against-  
ELIE TAHARI LTD.,  
Defendant.

1:19-cv-4527-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On September 18, 2020, the Court issued an Opinion and Order granting Plaintiff's motion for partial summary judgment on Defendant's liability for copyright infringement [ECF No. 69]. The Court also ordered the parties to appear at a conference on October 27, 2020, to discuss the resolution of damages. On October 14, 2020, the Court issued an Order directing the parties to file a joint status letter before the conference on October 27 [ECF No. 70].

On October 20, 2020, the parties submitted their letter requesting an adjournment of the conference and leave for additional time to complete discovery relevant to damages [ECF No. 71]. The Case Management Plan ("CMP") for this case, entered by the Court (Rakoff, J.) on July 1, 2019, provides that "[a]ll discovery" was to be completed by November 1, 2019 [ECF No. 7]. The CMP does not provide for bifurcated discovery—*e.g.*, liability now, damages later. The parties fail to explain in their joint status letter why they did not conduct discovery on damages during the designated discovery period [*see* ECF No. 71]. Nevertheless, given that both parties claim discovery on damages is necessary, the Court grants leave for additional time to complete discovery.

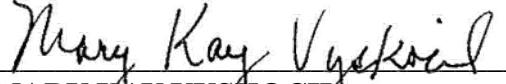
IT IS HEREBY ORDERED that the parties shall have until November 20, 2020, to complete discovery relevant to damages. **No further discovery extensions will be granted.**

Should any discovery disputes arise, the parties must meet and confer in an attempt to resolve the dispute. If they cannot do so, the issue must be brought to the Court's attention well in advance of the November 20 deadline. This deadline will not automatically be extended to accommodate the resolution of discovery disputes. **Failure to comply with this Order and the deadline herein may result in sanctions.**

The conference scheduled for October 27, 2020, at 1:30 PM is adjourned to December 15, 2020, at 3:00 PM and will serve as a pre-trial conference. The parties should be prepared to discuss pretrial filings and logistics, including scheduling. On or before December 7, 2020, the parties shall submit another joint status letter in accordance with the specifications outlined in the Court's Order dated October 24, 2020.

**SO ORDERED.**

**Date: October 23, 2020**  
**New York, NY**

  
MARY KAY VYSKOCIL  
United States District Judge